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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,942	06/13/2005	Mariko Takahashi	1163-0529PUS1	5937
2292 7590 08/07/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER ABDI AMARA				
ART UNIT 2624		PAPER NUMBER		
NOTIFICATION DATE 08/07/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

**Advisory Action
Before the Filing of an Appeal Brief**

Application No. 10/538,942	Applicant(s) TAKAHASHI ET AL.
Examiner Amara Abdi	Art Unit 2624

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 3 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
 Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1-13.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see the continuation sheet.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

/Brian Q Le/
Primary Examiner, Art Unit 2624

1. Applicant argues that even if Komatsu does teach the claim limitation of "acquiring a chromaticity range indicating said color reproduction characteristics corresponding to a hue of image data", Komatsu only teaches doing this once and to only one type of image data. Independent claim 1 requires that this hue-dependent chromaticity range acquisition be performed twice, each time on a different set of data.

However, in response to applicant's argument, Examiner disagrees, because Komatsu clearly teaches "acquiring a chromaticity range indicating said color reproduction characteristics corresponding to a hue of image data" (paragraph [0006], line 17-18). This method, whether is applied ones or repeated multiple times, it is always using the same concept of "acquiring a chromaticity range indicating said color reproduction characteristics corresponding to a hue of image data", and whether it is applied to the same or different set of data, it is using the same concept of "acquiring a chromaticity range indicating said color reproduction characteristics corresponding to a hue of image data". Therefore, the rejection of claim 1 is proper and should be sustained. In response to applicant's argument that the Kamatsu makes no suggestion that the gamut compressor acquires or otherwise uses the input image signal in addition to the brightness-converted signal, it is noted that the features upon which applicant relies (i.e., the gamut compressor acquires or otherwise uses the input image signal in addition to the brightness-converted signal) is not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

2. Regarding claim 13, Applicant argues that Komatsu does teach the claim limitation of "acquiring both chromaticity range indicating said color reproduction characteristics corresponding to a hue of the input image data signal, and a chromaticity range indicating said color reproduction characteristics corresponding to the hue of the image data converted by said color corrector based on the data describing the color reproduction characteristics".

However, in response to applicant's argument, as mentioned above, the Examiner disagrees, because Komatsu clearly teaches "acquiring a chromaticity range indicating said color reproduction characteristics corresponding to a hue of image data" (paragraph [0006], line 17-18). This method, whether is applied ones or repeated multiple times, it is always using the same concept of "acquiring a chromaticity range indicating said color reproduction characteristics corresponding to a hue of image data", and whether it is applied to the same or different set of data, it is using the same concept of "acquiring a chromaticity range indicating said color reproduction characteristics corresponding to a hue of image data". Therefore, the rejection of claim 13 is proper and should be sustained.

3. Regarding claim 12, Applicant argues that Komatsu makes no teaching or suggestion of capturing, storing, or otherwise examining any saturation value other than the maximum chroma (full) saturation for a hue.

However, in response to applicant's argument, the Examiner disagrees, because although the lightness is determined for the hue at full saturation, it doesn't mean that it does not contain the amount of saturation adjustment. The color conversion section provides a lightness L, Hue H, and information on saturation C. the information on saturation C, may contain a full saturation and the amount of saturation adjustment required.

Therefore, claim 12 is still not in a good condition for allowance.

Claims 2-11 depend from claim 1, therefore, they are still not in good condition for allowance.